



## **PLANNING & CODES**

### **Planning and Zoning Commission Report ZC 07-18**

A request for Zoning Change 07-18 was considered during a public hearing at the Planning & Zoning Commission meeting on May 8, 2018:

**ZONING CHANGE request from Commercial (C) to Neighborhood Commercial (NC) for property located at 1124 #B E Kingsbury St.**

Helena Schaefer presented the staff report. She explained that the property at 1124 #B E Kingsbury St is a legal non-conforming use or grandfathered use. The current zoning restricts the use of the property as a single-family residential dwelling unless a SUP is granted or a zoning change is approved. Changing the zoning to Neighborhood Commercial would allow for either an existing or a new single-family residential dwelling. The future land use district of Central Township Community allows single-family residential as an appropriate use. Ms. Schaefer also explained that the lot configuration does not allow for ease of traffic access; the property is a flag lot with a 22 foot driveway. The property has the original zoning from 1989. If the structure was destroyed or damaged to an extent of 50% or more, it could not be rebuilt as residential. It was also explained that financial institutions may hesitate to provide a residential loan for commercially zoned property and insurance companies may not provide coverage. Staff is recommending the zoning change to Neighborhood Commercial given the existing use of residential and the difficulty of developing the flag lot as commercial.

Debra Lara, a representative for the applicant stated she was available to answer questions. She had interior photos showing that the structure is being used as residential. Commissioner Engelke inquired about the proposed use. Ms. Lara stated that the tenants, who are the proposed buyers of the property, want to continue to use it for residential.

The regular meeting was then recessed and a public hearing was held. There being no responses from the public the regular meeting reconvened.

Public notifications were mailed on April 27, 2018. No comments were received.

After consideration of the staff report and all information given regarding Zoning Change 07-18 Commissioner Gettig moved that the Planning and Zoning Commission recommend approval to City Council of the Zoning Change Request to Neighborhood Commercial. Commissioner Depalermo seconded the motion. The following vote was recorded:

**RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL**

**MOTION PASSED**

**5-0-0**

  
\_\_\_\_\_  
Francis Serna  
Planning Assistant

  
\_\_\_\_\_  
ATTEST: Helena Schaefer  
Senior Planner



## PLANNING & CODES

### Applicant:

Dawson & Assoc.  
603 W Court St  
Sequin, TX 78155

### Property Owner:

Phillip Woodard  
4703 17<sup>th</sup> Ave SE  
Lacey, WA 98503

### Property Address/Location:

1124 #B E Kingsbury St

### Legal Description:

Abs: 35, John Sowell Survey  
0.5880 ac Prop ID: 59506

### Lot Size/Project Area:

Approx. 0.5880 acres

### Future Land Use Plan:

Central Township & Core  
Approach

### Notifications:

Mailed April 27, 2018  
Newspaper April 22, 2018

### Comments Received:

None

### Staff Review:

Helena Schaefer  
Senior Planner

### Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map

## ZC 07-18 Staff Report 1124 #B E Kingsbury St Zoning Change from C to NC

### REQUEST:

A Zoning Change request from Commercial to Neighborhood Commercial.

### ZONING AND LAND USE:

	Zoning	Land Use
<b>Subject Property</b>	C	Residential dwelling
<b>N of Property</b>	MF-3	Farmland
<b>S of Property</b>	C	Residential dwelling
<b>E of Property</b>	C	Residential dwelling
<b>W of Property</b>	C	Business

### SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The property located at 1124#B E Kingsbury St is currently zoned Commercial, but the existing land use is single-family residential. Staff recommends approval of the zoning change to Neighborhood Commercial in order to allow the primary use of the property to be either single-family residential or commercial. As well, the current configuration of the lot (the flag lot) does not allow for a good high traffic flow for a high impact commercial use.

### Planning Department Recommendation:

<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

## **PLANNING DEPARTMENT ANALYSIS**

### **SITE DESCRIPTION**

The property is currently zoned Commercial and is located on the north side of E Kingsbury St. According to the Guadalupe County Appraisal District, the existing structure is almost 1600 sq ft in size (a two story structure). The property has the original zoning classification from the 1989 zoning process and the structure is a legal non-conforming land use. The property, which is not platted, has a “flag lot” shape; a driveway with a width of 22 feet and a length of 170 feet opens up to a large half-acre tract.

### **CODE REQUIREMENTS:**

According to the UDC’s Section 3.4.3 Land Use Matrix, the Commercial zoning district allows for an existing single-family residential structure with a Specific Use Permit. This would be triggered if the structure was vacant for more than 6 months. However, the Neighborhood Commercial zoning does allow the use of both an existing or new single-family residential structure. Rezoning to Neighborhood Commercial would remove the need for an approved Specific Use Permit.

### **COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:**

The property is surrounded by two other properties that have single-family residential structures; these are also considered to be a legal non-conforming use. There are also businesses to the west with the Seguin ISD offices across E Kingsbury St. Given the flexibility of Neighborhood Commercial, this zoning classification would be compatible with the surrounding zoning and existing land uses.

### **COMPREHENSIVE PLAN:**

The majority of the property is located within the Central Township Community future land use district. This district’s intent is to enhance the quality of residential developments with greater diversity. Single-family residential is an appropriate use as well as low impact commercial uses; the predominant forms for this district is neighborhood oriented. The driveway portion of the property falls into Core Approach district.

**HEALTH, SAFETY, AND GENERAL WELFARE:** (Protection & preservation of historical, cultural, and environmental areas.)  
No health, safety or environmental issues have been identified for these properties.

### **TRAFFIC (STREET FRONTAGE & ACCESS):**

The property takes its access from E Kingsbury St with a 22 foot wide driveway. Any commercial development on this property would be challenged to design accessibility for a high traffic flow, as well as meeting international fire code for emergency access.

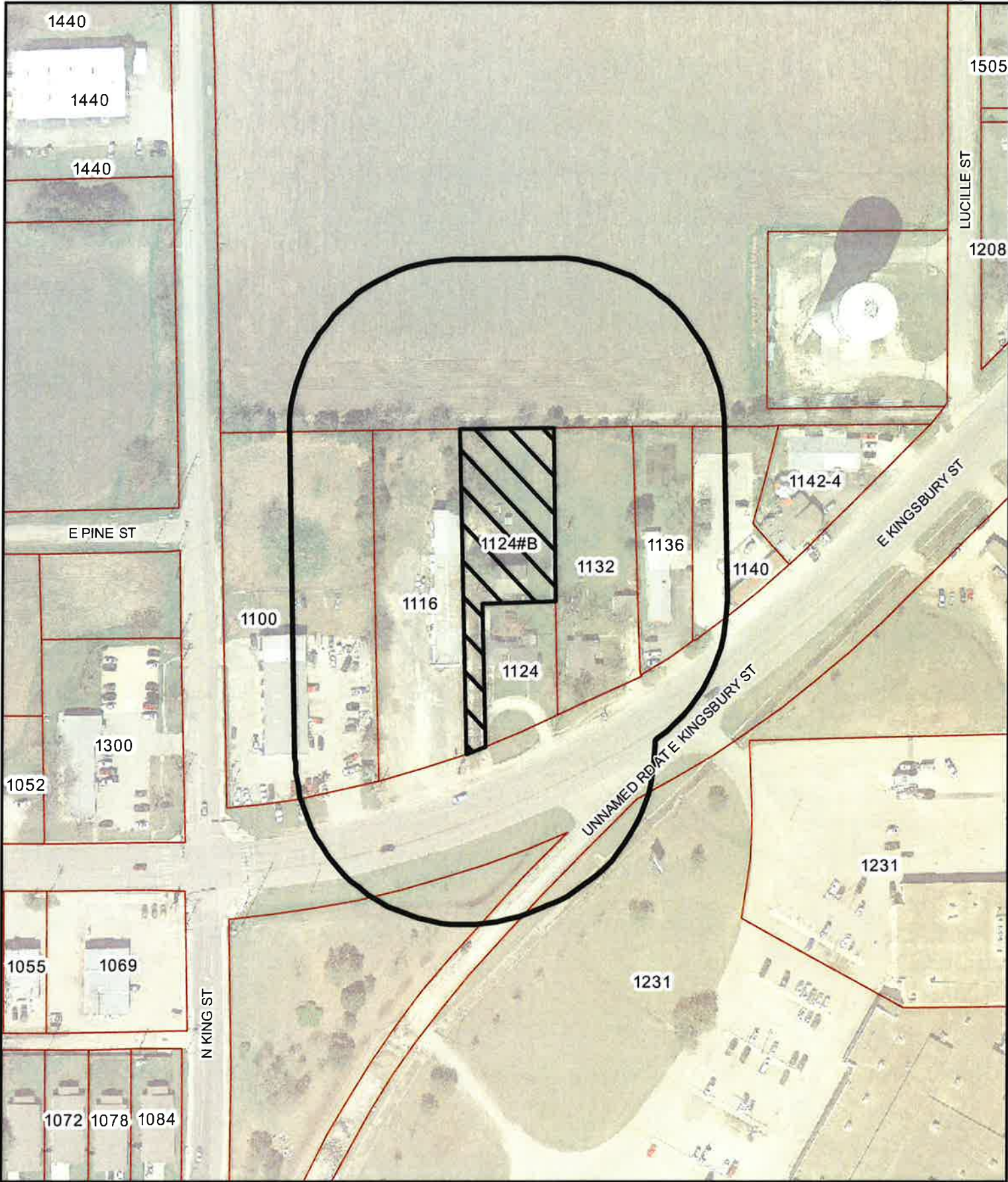
### **OTHER CONSIDERATIONS:**

The current residential use of this property is regarded as a legal non-conformity. Commercial zoning does not permit new single-family residential structures and requires a Specific Use Permit for an existing structure vacant for more than 6 months. If the structure is damaged or destroyed to an extent of 50% or more of its assessed valuation, it cannot be rebuilt without a rezoning. As well, financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.



LOCATION MAP

ZC 07-18: 1124B E Kingsbury St



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Site Location



200' Notification Buffer

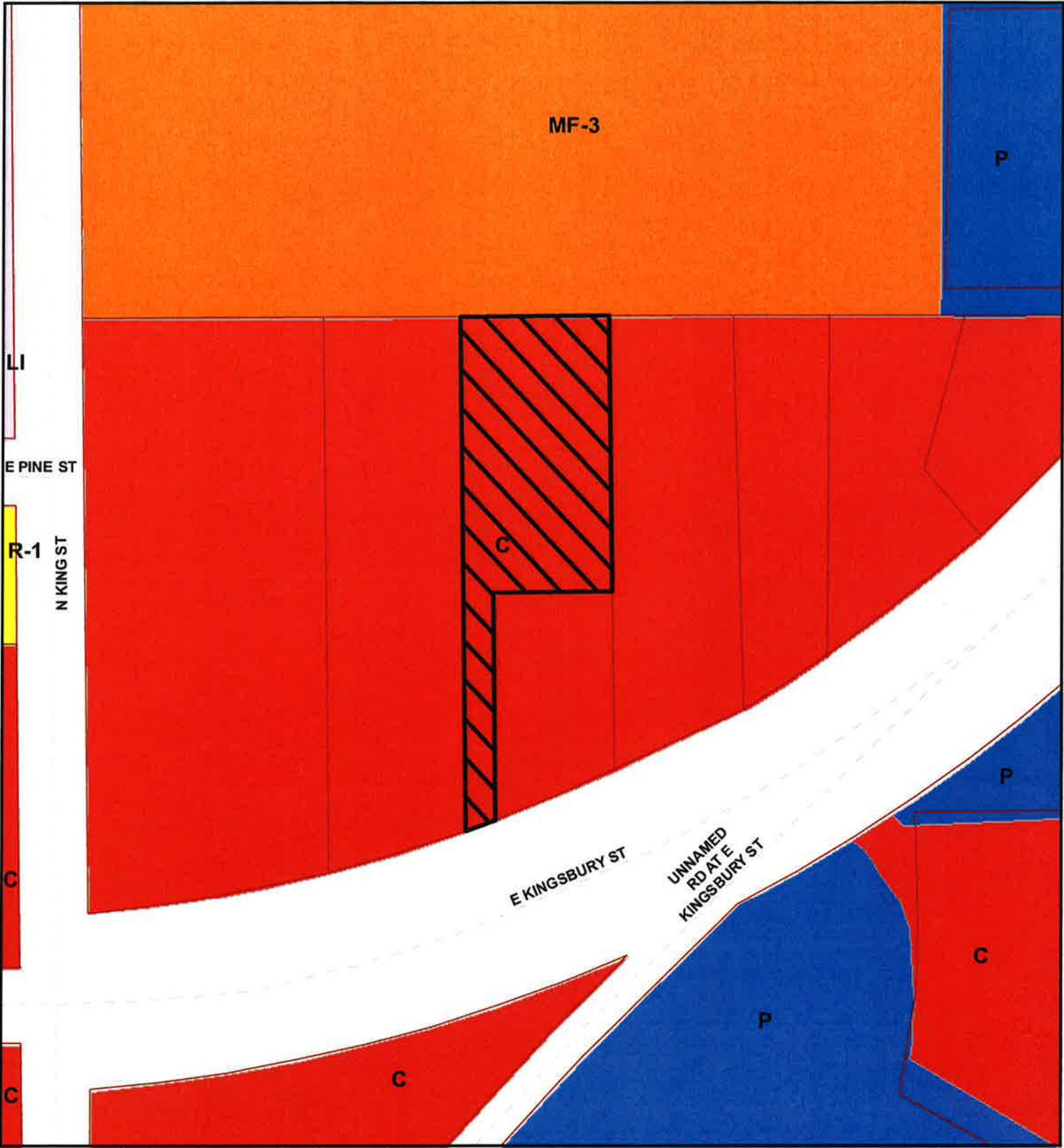
Lot Lines

1 inch = 150 feet

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ZONING MAP

ZC 07-18: 1124B E Kingsbury St



- |                               |                              |                            |                              |
|-------------------------------|------------------------------|----------------------------|------------------------------|
| A-R Agricultural Ranch        | ZL Zero Lot Lines            | MHP Manufactured Home Park | I Industrial                 |
| R-R Rural Residential         | DP-1,2 Duplex                | NC Neighborhood Commercial | P Public                     |
| S-R Suburban Residential      | MF-1,2,3 Multi-Family        | C Commercial               | PUD Planned Unit Development |
| R-1 Single Family Residential | M-R Manufactured Residential | LI Light Industrial        |                              |

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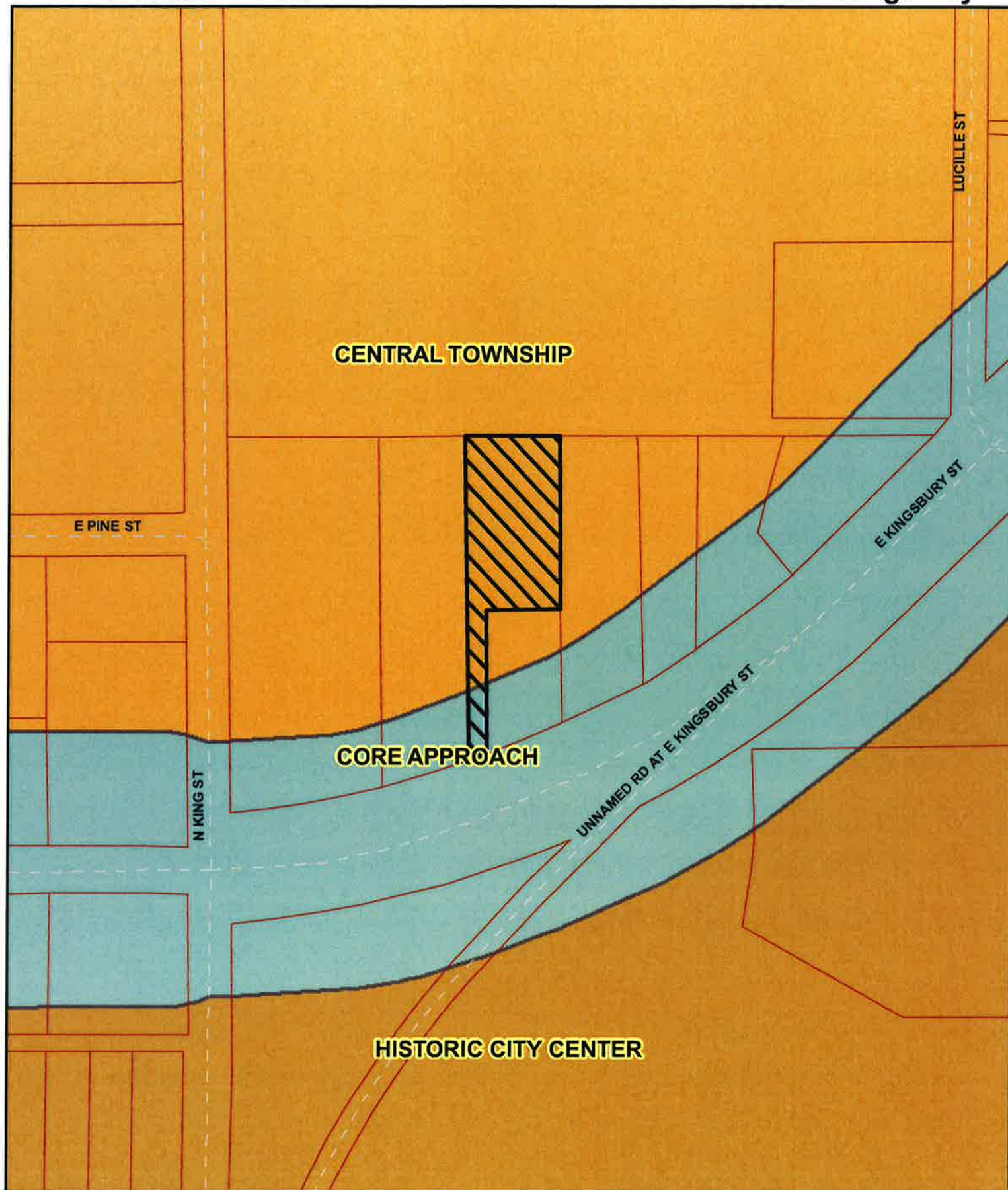
Site Location

Lot Lines

1 inch = 100 feet

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Site Location



Lot Lines

1 inch = 150 feet

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